

## SENATE BILL NO. 348

INTRODUCED BY J. ELLIOTT, P. CLARK, DEPRATU, MAHLUM

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ALLOWING A LOCAL GOVERNMENTAL ENTITY TO REQUEST THAT THE UNITED STATES DEPARTMENT OF TRANSPORTATION ESTABLISH RAILROAD CROSSING QUIET ZONES THROUGH WHICH LOCOMOTIVE HORNS AND BELLS ARE NOT ROUTINELY SOUNDED AND THAT MEET CERTAIN SAFETY CRITERIA PROVIDED IN FEDERAL REGULATIONS; ALLOWING A RAILROAD COMPANY TO PERMIT ITS TRAINS TO PASS THROUGH DESIGNATED QUIET ZONES AND THROUGH PRIVATE CROSSINGS WITHOUT SOUNDING THEIR HORNS AND BELLS; EXEMPTING A RAILROAD COMPANY AND EMPLOYEES FROM LIABILITY IF DAMAGES ARE ALLEGED TO ARISE FROM A LOCOMOTIVE'S FAILURE TO SOUND ITS HORN OR BELL AT A PRIVATE CROSSING OR ONE THAT HAS BEEN DESIGNATED AS A QUIET ZONE~~ CLARIFYING THE REQUIREMENT THAT LOCOMOTIVES SOUND THEIR HORNS AT PUBLIC ROAD AND HIGHWAY CROSSINGS; ELIMINATING OBSOLETE OR ARCHAIC REQUIREMENTS FOR RAILROADS AND THOSE REQUIREMENTS THAT ARE FEDERALLY PREEMPTED; AND AMENDING SECTIONS 61-8-347, SECTION 69-14-562, ~~AND 69-14-610~~; MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION. Section 1. Establishment of railroad quiet zones.~~ (1) For the purposes of this section, "quiet zone" means a segment of railroad within which is situated one or a number of consecutive highway-rail crossings at which locomotive horns and bells are not routinely sounded.

~~(2) A governing body of a municipality or a board of county commissioners may petition to the secretary of the United States department of transportation to establish quiet zones at railroad crossings that meet the requirements established in the rules adopted to implement 49 U.S.C. 20153(c).~~

~~Section 2. Section 61-8-347, MCA, is amended to read:~~

~~"61-8-347. Obedience to signal indicating approach of train.~~ (1) Whenever any When a person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such the vehicle shall stop within 50 feet but not less than 15 feet from the nearest

1 rail of such ~~the~~ railroad, and shall ~~may~~ not proceed until he ~~the driver~~ can do so safely. The foregoing

2 ~~These~~ requirements shall apply when:

3 ~~—— (a) a clearly visible electric or mechanical signal device gives warning of the presence or immediate~~  
4 ~~approach of a railroad train;~~

5 ~~—— (b) a crossing gate is lowered or when a human flagman flag person gives or continues to give~~  
6 ~~a signal of the approach or passage of a railroad train;~~

7 ~~—— (c) except at private crossings and crossings that have been determined to be quiet zones under~~  
8 ~~[section 1], a railroad train approaching within approximately 1,500 a distance of 825 to 1,300 feet of~~  
9 ~~the highway crossing emits a signal audible from such distance and such railroad train, by reason of its~~  
10 ~~speed or nearness to such crossing, is an immediate hazard; that distance, indicating that it is an~~  
11 ~~immediate hazard because of its speed or nearness to the crossing; or~~

12 ~~—— (d) an approaching railroad train is plainly visible and is in hazardous proximity to such the~~  
13 ~~crossing.~~

14 ~~—— (2) No person shall A person may not drive any a vehicle through, around, or under any crossing~~  
15 ~~gate or barrier at a railroad crossing while such the gate or barrier is closed or is being opened or closed."~~

16

17 **Section 1.** Section 69-14-562, MCA, is amended to read:

18 **"69-14-562. Regulation of health and safety on railroads. (1) ~~Any~~ A railroad corporation within**  
19 **this state ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction thereof shall be fined for the**  
20 **first offense in the sum of \$1,000, for the second violation of the same provision, \$2,000, and for every**  
21 **other and further violation of any provision of which it has been twice before found guilty, a sum not less**  
22 **than \$5,000 or more than \$10,000, if the corporation shall is subject to the penalties provided in**  
23 **subsection (2) (3) (2) if the corporation:**

24 ~~(1) neglect (a) neglects to provide comfortable and convenient cars or coaches for the~~  
25 ~~transportation of its passengers and their baggage or safe cars for the transportation of express matter~~  
26 ~~and freight;~~

27 ~~(2) use any highly inflammable oils for lighting any car on its passenger trains;~~

28 ~~(3) transport within this state on any of its passenger cars any oil of vitriol, gunpowder, lucifer~~  
29 ~~matches, nitroglycerine, glynon oil, nytroleum or blasting oil, nitrate oil, powder mixed with any such oil~~  
30 ~~or fiber saturated therewith, duolin or giant powder, blasting powder, or other goods of a dangerous~~

1 nature;

2 ~~(4) in any incorporated city or town in this state, run any train at a rate of speed forbidden by the~~  
3 ~~laws of this state or the ordinances of such city or town;~~

4 ~~(5)(b) run any runs a train over any an unsafe bridge, trestlework, or aqueduct in this state;~~

5 ~~(6) fail (c) fails to have upon any a locomotive in use by it in this state equipped with a bell and~~  
6 ~~whistle a properly functioning horn and bell in fit condition for use thereon;~~

7 ~~(7) permit (d) except as provided in [section 1], permits any a locomotive to approach any a public~~  
8 ~~highway, public road, or public railroad crossing without causing the whistle locomotive horn and bell to~~  
9 ~~be sounded at a point between 50 and 80 rods 825 and 1,300 1,320 feet from the crossing, the bell horn~~  
10 ~~and bell to be rung sounded from said the specified point until the crossing is reached; or. IF THE OWNER~~  
11 ~~OR PERMITHOLDER OF A PRIVATE CROSSING MAKES A WRITTEN REQUEST TO THE RAILROAD CORPORATION TO HAVE THE~~  
12 ~~LOCOMOTIVE HORN AND BELL SOUNDED AT THE PRIVATE CROSSING, THE RAILROAD SHALL COMPLY WITH THE REQUEST.~~  
13 ~~THE OWNER OR PERMITHOLDER IS NOT SUBJECT TO ANY LIABILITY AS A RESULT OF NOT MAKING A REQUEST.~~

14 ~~(8)(e) willfully fail fails to make any report herein required by law or which may be hereafter~~  
15 ~~required by any law of this state.~~

16 ~~———— (2) NOTHING IN THIS SECTION PROHIBITS A RAILROAD CORPORATION FROM CAUSING THE LOCOMOTIVE HORN AND~~  
17 ~~BELL TO BE SOUNDED AT A PRIVATE CROSSING WHEN IT IS NECESSARY TO PROTECT THE PUBLIC SAFETY;~~

18 ~~(2)(3)(2) Upon conviction of the offenses provided in subsection (1), a railroad corporation is~~  
19 ~~subject to a fine of:~~

20 ~~(a) \$1,000 for the first offense;~~

21 ~~(b) \$2,000 for the second violation of the same provision; and~~

22 ~~(c) not less than \$5,000 or more than \$10,000 for subsequent violations of a provision for which~~  
23 ~~it has twice been found guilty."~~

24

25 ~~———— Section 4. Section 69-14-610, MCA, is amended to read:~~

26 ~~———— "69-14-610. Effect of crossing provisions on liability of railroad. (1) Nothing contained in~~  
27 ~~69-14-601 through 69-14-611 shall in any way affect affects the liability of any a railroad company for~~  
28 ~~damage to persons or property injured at any crossings.~~

29 ~~———— (2) A railroad company or an employee of a railroad company may not be held liable for damages~~  
30 ~~to persons or property injured at a private crossing or at a crossing that has been designated as a quiet~~

1 ~~zone, as defined in [section 1], if the damages are alleged to arise from the locomotive's failure to sound~~  
2 ~~its horn or bell at a private crossing or one that has been designated as a quiet zone under [section 1]."~~

3

4 ~~NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.~~

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